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RUEHWR/AMEMBASSY WARSAW 0173  
RUEHCD/AMCONSUL CIUDAD JUAREZ 0171  
RUEHOS/AMCONSUL LAGOS 6366  
RHEBAAA/DEPT OF ENERGY WASHINGTON DC  
RHEHNSC/NSC WASHINGTON DC  
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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000518

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DOE FOR CAROLYN GAY

E.O. 12958: DECL: 03/15/2017

TAGS: [PGOV](#) [KCOR](#) [NI](#) [ELECTIONS](#)

SUBJECT: NIGERIA: DISSENTING SENATOR ON PTDF, ELECTIONS

REF: A. ABUJA 449

[1](#)B. ABUJA 417

[1](#)C. ABUJA 402

[1](#)D. ABUJA 322

[1](#)E. ABUJA 321 06 ABUJA 2773

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Classified By: Acting Political Counselor Heather Merritt for reasons 1  
.4. (b & d).

[1](#)1. (C) SUMMARY. Senator Titus Olupitan, author of the dissenting Senate report on PTDF activities, says he expects the Review Committee charged with completing the PTDF investigation and addressing unanswered questions will not fulfill its mandate. He held out hope that failure by the Review Committee would lead the Senate to request a judicial investigation, indicating only the judiciary is capable of being independent and unbiased. Olupitan said the Senate will not pursue impeachment of the President and Vice President as it is not possible to finish proceedings before the April elections. He did not, however, rule out the possibility of impeachment should elections not occur in April and the administration's tenure be extended. He expressed concern that election preparations are being programmed to fail in order to substantiate the need for postponement. END SUMMARY.

[1](#)2. (C) Senator Titus Olupitan (AD, Ondo State) told Poloff and PolAssist in a March 13 meeting that the Senate is incapable of conducting an independent and unbiased investigation into the use of PTDF funds. Olupitan was the author of the dissenting report submitted to the Senate along with the ad-hoc committee report on March 1 (Ref. A). Olupitan says the ad-hoc committee had no intention of conducting a thorough investigation and that key questions he outlined in his dissenting report were entirely ignored in the investigation. Olupitan and Senator Rufai Hanga (ANPP, Kano State) were the only two non-PDP party members on the thirteen member committee. Olupitan alleged that Committee Chairman Victor Ndoma-Egba (PDP, Cross River State) overrode all attempts to investigate purported misconduct by President Obasanjo. As well, Olupitan complained that his request to invite the President, certain Ministers, and PDP leaders to testify before the committee was overridden. Olupitan told Poloff the ad-hoc committee met only five times over more than five months (each time for 30-45 minutes).

13. (C) Olupitan alledged that the Office of the President is the most corrupt institution in Nigeria. According to Olupitan, no one in the National Assembly has the nerve to ask difficult questions related to Presidential malfeasance. In particular, he highlighted a May 2006 request by Obasanjo that the National Assembly allocate 1 billion Naira for a national conference to discuss the future of Nigeria. The National Assembly refused, but the conference was held. (COMMENT: The national conference was widely viewed as a venue for the Executive to advance the third term agenda. END COMMENT.) Olupitan claims the funding came from the PTDF. In total, Olupitan maintains more than 30 billion Naira from the PTDF was used to fund the third-term campaign.

14. (C) Olupitan believes the judiciary is the most independent of the government branches and that only a judicial committee could conduct an unbiased investigation into the PTDF. Olupitan expressed hope that a failure by the Review Committee (of which he feels confident) may provide the impetus for the Senate to request an independent judicial panel be formed to look into the PTDF activities. (NOTE: On March 13, the Review Committee requested a one week extension to submit its report. Olupitan alleges that the Review Committee met for the first time the morning of March 13, the day it was tasked to submit its final report. END NOTE.)

15. (C) Olupitan alledges Obasanjo continues to pursue an elongation of his tenure. He told Poloff and PolAssist that President Obasanjo is establishing a committee (to include Obasanjo, the Attorney General, the Chief Justice, and INEC Chairman Iwu) to look into postponing the elections. Olupitan cautioned that including the Chief Justice in any such committee compromises the impartiality of the judiciary. He said he is encouraged by recent court rulings involving the eligibility of candidates, but frustrated that the

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Executive simply flaunts the rulings.

16. (C) COMMENT. Olupitan's comments regarding impeachment are in line with what we are hearing from others. He said what we had surmised -- that the PTDF affair is being kept open in case the Administration's tenure is extended, in which case there may be moves to impeach both the President and Vice President. Despite being painted by PDP members of the ad hoc committee as a rabid Atiku-supporter, Olupitan came across to us as fairly balanced in his questioning of the actions of both Atiku and Obasanjo. It is interesting to note that Olupitan feels no one (himself included) in the Senate is capable of pushing for answers. He told us he has not experienced any harassment or other repurcussions from his dissenting report, but that many of his colleagues and friends have warned him to be careful. END COMMENT.  
FUREY